

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

ERNIE RITTER,

Plaintiff,

v.

**UNITED STATES POSTAL SERVICE and
AMERICAN POSTAL WORKERS UNION,**

Defendants.

Civil Action No. 2016-0040

Attorneys:

Yohana M. Manning, Esq.

St. Croix, U.S.V.I.

For Plaintiff

Angela Tyson-Floyd, Esq.

St. Croix, U.S.V.I.

For Defendant United States Postal Service

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) submitted by Magistrate Judge Emile A. Henderson III. (Dkt. No. 71). For the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Magistrate Judge Henderson’s Report and Recommendation (Dkt. No. 71) is **ADOPTED AS MODIFIED**; and it is further

ORDERED that Defendant United States Postal Service’s “Motion to Dismiss” (Dkt. No. 41) is **GRANTED**; and it is further

ORDERED that Count II of Plaintiff’s Amended Complaint is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that Count I and Count III of Plaintiff’s Amended Complaint are

DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that Plaintiff shall have up to and including October 30, 2023 within which to amend his Amended Complaint to address the deficiencies discussed in the accompanying Memorandum Opinion, filed contemporaneously herewith.

SO ORDERED.

Date: September 30, 2023

_____/s/_____
WILMA A. LEWIS
District Judge